

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

**FACTORY MUTUAL INSURANCE
COMPANY, as subrogee of AGILENT
TECHNOLOGIES, INC.,**

Plaintiff,

v.

**XPEDIENT MANAGEMENT GROUP,
LLC and ST. PAUL FIRE AND MARINE
INSURANCE COMPANY**

Defendants.

Case No. 2:25-cv-02424-MSN-TMP

JURY DEMANDED

**PLAINTIFF’S MOTION FOR LEAVE TO FILE A REPLY TO
ST. PAUL FIRE AND MARINE INSURANCE COMPANY’S RESPONSE TO
PLAINTIFF’S MOTION FOR LEAVE TO AMEND ITS COMPLAINT**

Plaintiff Factory Mutual Insurance Company (“FMIC”), as subrogee of Agilent Technologies, Inc. (“Agilent”), by and through undersigned counsel, and pursuant to Rule 6(b)(1)(B) of the Federal Rules of Civil Procedure and Local Rule 7.2(c), hereby respectfully moves the Court for leave to file a reply to Defendant St. Paul Fire and Marine Insurance Company’s (“St. Paul”) Response to FMIC’s Motion for Leave to Amend its Complaint (“Response”) [Doc. 29]. As good cause for this Motion for Leave, FMIC states the following:

1. On June 23, 2025 FMIC filed a Motion for Leave to Amend its Complaint as allowed by Rule 15(a) of the Federal Rules of Civil Procedure (“Motion to Amend”). [Doc 24].
2. Defendant Xpedient Management Group, LLC did not oppose and agreed to the relief requested in FMIC’s Motion to Amend. [Doc 24, p. 3].

3. On July 7, 2025, St. Paul filed its Response (the “Response”) to the Motion to Amend. [Doc 29].

4. Pursuant to Local Rule 7.2(c), FMIC may request leave to file a reply in support of the Motion to Amend within seven days of service of the Response. Thus, this Motion for Leave is timely.

5. For the reasons set forth in more detail in FMIC’s Supporting Memorandum filed contemporaneously herewith, allowing FMIC to file a reply to St. Paul’s Response is justified under the circumstances and will not cause undue delay or prejudice to any party. If allowed, FMIC intends to file its reply brief within seven (7) days of entry of an order granting FMIC leave to do so.

WHEREFORE, FMIC respectfully requests that it be granted leave to file a reply in support of its Motion to Consolidate.

Respectfully submitted,

/s/ S. Joe Welborn

S. Joe Welborn, TN BPR No. 21747
Brenden T. Holbrook, TN BPR No. 39485
SMITH CASHION & ORR, PLC
3100 West End Avenue
Suite 800 – One American Center
Nashville, TN 37203
(615) 742-8586 – Tel
jwelborn@smithcashion.com
bholbrook@smithcashion.com

*Attorneys for Plaintiff Factory Mutual Insurance
Company, as subrogee of Agilent Technologies, Inc.*

CERTIFICATE OF CONSULTATION

Pursuant to LR 7.2(a)(1)(B), on July 11, 2025 at 1:52 PM CDT, undersigned counsel contacted all defense counsel of record, via email, to obtain Defendants' position on whether Defendants oppose or consent to the relief requested by FMIC in the instant motion. As of the date of this filing, defense counsel have not responded to the undersigned counsel's request.

BY: /s/ S. Joe Welborn

S. Joe Welborn, TN BPR No. 21747

CERTIFICATE OF SERVICE

I hereby certify that on July 14, 2025, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

Sean W. Martin
Michael J. Petherick
633 Chestnut Street, Suite 2000
Chattanooga, TN 37450
(423) 648-9832 / (423) 648-9869 FAX
swmartin@carrallison.com
mpetherick@carrallison.com
*Attorneys for St. Paul Fire and Marine
Insurance Company*

William P. Thomas
Andrew B. Schrack
Butler Snow LLP
6075 Poplar Avenue, Suite 500
Memphis, TN 38119
Will.Thomas@butlersnow.com
Andrew.Schrack@butlersnow.com

/s/ S. Joe Welborn

S. Joe Welborn